

1 THE HONORABLE RICARDO S. MARTINEZ
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7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9 **AT SEATTLE**

10 JAMES GINZKEY, RICHARD
11 FITZGERALD, CHARLES CERF, BARRY
12 DONNER, and on behalf of the class
13 members described below,

14 *Plaintiffs,*

15 v.

16 NATIONAL SECURITIES
17 CORPORATION, a Washington Corporation

18 *Defendant.*

19 **Case No.: 2:18-cv-1773**

20 **DECLARATION OF ALEXANDER N.
21 LOFTUS IN SUPPORT OF MOTION
22 FOR ATTORNEYS' FEES,
23 EXPENSES, AND SERVICE
24 AWARDS AND MOTION FOR FINAL
25 APPROVAL**

26 **DECLARATION OF ALEXANDER N. LOFTUS, ESQ.**

27 I, Alexander N. Loftus, declare, in support of Plaintiffs' Motion for Attorney's Fees,
28 Expenses, and Service Awards, and Final Approval of Settlement as follows:

1. I am over the age of 18, have personal knowledge of the facts stated herein,
2 and am competent to testify thereto.

3. I am one of the attorneys representing Plaintiffs James Ginzkey, Richard
4 Fitzgerald, Charles Cerf, Barry Donner, and the Class.

5. I have been licensed to practice law in the State of Illinois since 2010.

6. I have dedicated my law practice to complex commercial and class litigation in

1 both arbitration actions and litigation worldwide. I have been lead counsel in a number of
 2 investor and consumer class action cases and now manage Loftus & Eisenberg, with seven
 3 attorneys. Until June 2020, I was a partner at Stoltmann Law Offices, P.C.
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5. I have appeared in the following class actions as plaintiffs' counsel in the last
 6 five years:

- 7 a. *Zaleski v. JJMT Capital, LLC* 2021 CH 01939 (Cook County)
- 8 b. *Ask v. Ingen et al* 2022 CH 07561 (Cook County)
- 9 c. *Pembeck v. Hercules Forwarding, Inc.* 2022-cv-4760 (Northern District of
 Illinois)
- 10 d. *Carter v. Jeffrey Spiegel et al* 21-cv-03990 (Northern District of California)
- 11 e. *Sharif et al v. Hull et al* 2020 CH 4743 (Cook County)
- 12 f. *Fedance v. Clifford Joseph Harris et al* 1:19-cv-02125 (Northern District of
 Georgia)
- 13 g. *Mahesh Sashital et al v. Seva Beauty et al* 1:20-cv-04692 (Northern District of
 Illinois)
- 14 h. *Lee et al v. State Farm* 2020 CH 04589 (Cook County)
- 15 i. *Praither et al v. Northbrook Bank & Trust Company* 1:18-cv-07411 (Northern
 District of Illinois)
- 16 j. *Horvath et al v. Kaizen Advisory, LLC* 1:18-cv-05414 (Northern District of
 Illinois)
- 17 k. *Tawech et al v. Kopelowitz Ostrow, P.A.* 1:19-cv-05825 (Northern District of
 Illinois)
- 18 l. *Claiborne v. Water of Life Church* CIVDS1807987 (San Bernadino County,
 California)
- 19 m. *Miles et al v. American Honda Motor Co, Inc.* 17-cv-04423 (Northern District
 of Illinois)
- 20 n. *Franklin et al v. Uber Technologies Inc.* 1:17-cv-08510 (Northern District of
 Illinois)
- 21 o. *Garrett v. Peet's Coffee and Tea* 2015-CH-15990 (Cook County)
- 22 p. *Beehler v. American Honda Motor Co., Inc.* 1:16-cv-08525 (Northern District
 of Illinois)
- 23 q. *Thompson v. NCO Group, Inc. et al* 1:12-cv-03590 (Northern District of
 Illinois)

6. I have personal knowledge of the facts set forth herein and if called as a witness, could and would testify competently to these facts under oath.

7. My work on this matter was focused on the application of common law negligence to a securities dispute. There is little case law applying common law to the factual scenario at issue here so our work on the fundamental tasks of drafting the complaint and moving for class certification were necessarily more time consuming than a traditional statutory securities claim.

8. Our work on this case of applying common law negligence and FINRA Rules establishing the standard of care created precedent valuable to all investors in Regulation D Offerings.

9. The chart attached hereto as Exhibit 1 correctly reflects my work performed and time spent on this case.

10. My hourly rate is \$550.00 per hour which is competitive in the legal market in which I practice.

I declare under penalty of perjury of the laws of the United States that the forgoing is true and correct to the best of my knowledge, information, and belief.

Dated: September 12, 2022.

By: /s/ Alexander N. Loftus, Esq.
Attorney for Plaintiffs